

(available at <http://www.dtic.mil/whs/directives/corres/pdf/512402p.pdf>) and DoD Instruction 1342.22, "Military Family Readiness" (available at <http://www.dtic.mil/whs/directives/corres/pdf/134222p.pdf>) and the requirements of DoDD 1020.1

(b) Updates established policy, assigns responsibilities, and prescribes procedures for providing care to minor children (birth through age 12 years) of individuals who are eligible for care in DoD CDPs. This includes:

(1) Center-based care and community-based care.

(2) Family child care (FCC).

(3) School-age care (SAC).

(4) Supplemental child care.

(c) Cancels DODI 6060.3

(d) Implements 10 United States Code (U.S.C.) 1791 through 1800.

(e) Authorizes the publication of supporting guidance for the implementation of CDP policies and responsibilities, including child development training modules, program aids, and other management tools.

(f) Establishes the DoD Effectiveness Rating and Improvement System (ERIS), in accordance with 10 U.S.C. 1791 through 1800.

§ 79.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

§ 79.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

Accreditation. Verification that a CDP has been assessed by an appropriate, external national accrediting body and meets the standards of quality established by that body.

Affiliated family child care (FCC). Home-based child care services that are provided by licensed individuals in homes located off of the installation,

who agree to comply with the standards outlined in this part.

Appropriated funds (APF). Funds appropriated by Congress and received by the U.S. Government as tax dollars.

APF employees. Civilian employees hired by DoD Components with APF. Includes temporary employees, 18 years or older.

Caregiver. For the purpose of determining priority, a parent or an individual who performs the functions of a parent.

Caregiving personnel. Civilian employees of a CDP who are directly involved with the care and supervision of children and are counted in the staff to child ratios.

Child development program (CDP). Child care services for children of DoD personnel from birth through 12 years of age.

CDP employee. A civilian employed by the DoD to work in a DoD CDP (regardless of whether the employee is paid from APF or NAF).

Child(ren). A person under 18 years of age for whom a parent, guardian, or foster parent, is legally responsible.

Child care fees. NAF derived from fees paid by Military members and other authorized users of child care services provided at a military CDC or other DoD-approved facility-based CDP. Also referred to as user fees or parent fees.

Child care hour. One hour of care provided to one child. If a provider cares for six children for 10 hours, that is the equivalent of 60 child care hours.

Combat related wounded warrior. A term referring to the entire population of wounded, ill and injured Service members and veterans who have incurred a wound, illness, or injury for which the member was awarded the Purple Heart or whose wound, illness, or injury was incurred as a direct result of armed conflict or while engaged in hazardous service or in the performance of duty under conditions simulating war, or through an instrumentality of war.

Direct care personnel. Staff members whose main responsibility focuses on providing care to children and youth.

DoD CDP Employee Wage Plan. The wage plan that uses a NAF pay banding system to provide direct service personnel with rates of pay substantially

equivalent to other employees at the installation with similar training, seniority, and experience. Pay increases and promotions are tied to completion of training. Completion of training is a condition of employment. This wage plan does not apply to CDPs constructed and operated by contractors under DoDI 1015.15, “Establishment, Management and Control of Non-appropriated Fund Instrumentalities and Financial Management of Supporting Resources” (see <http://www.dtic.mil/whs/directives/corres/pdf/101515p.pdf>).

DoD Certification to Operate. Certification issued to each DoD CDP after the program has been inspected by a representative(s) of the DoD Component or a major command, and found to be in compliance with DoD standards in § 79.6, paragraphs (a), (c)–(f), (i) and (j).

DoD Child Abuse and Safety Hotline. A hotline (found at DoD’s Military Homefront Web site) required by 10 U.S.C. 1794 that enables parents and visitors to anonymously report suspected child abuse or safety violations at a military CDP or home.

Eligible patron. Patrons who qualify for CDP services, to include active duty Military Service members, DoD civilian employees paid from APF and NAF, Reserve Component Military Service members on inactive duty training, combat related wounded warriors, surviving spouses of military members who died from a combat related incident, eligible employees of DoD contractors, other Federal employees, and those acting in loco parentis of the aforementioned eligible patrons.

Eligible employee of a DoD contractor. An employee of a DoD contractor or subcontractor, or individual under contract or subcontract to DoD, who requires physical access to DoD facilities at least two days out of a work week.

Facility-based program. Refers to child care that is provided within a building, structure, or other improvement to real property. Does not include FCC homes.

Family child care (FCC). Home-based child care services that are provided for Military Service members, DoD civilian employees, or eligible employees

of a DoD contractor by an individual who is certified by the Secretary of the Military Department or Director of the Defense Agency or DoD Field Activity concerned as qualified to provide those services, and provides those services for 10 hours or more per week per child on a regular basis for compensation. Also referred to as family home day care, family home care, child development homes, and family day care.

FCC administrator. DoD civilian employees or contract personnel, either APF or NAF, who are responsible for FCC program management, training, inspections, and other services to assist FCC providers. Includes program directors, monitors, outreach workers, United States Department of Agriculture (USDA) CACFP monitors, and administrative personnel.

FCC provider. An individual 18 years of age or older who provides child care for 10 hours or more per week per child on a regular basis in his or her home with the approval and certification of the commanding officer, and has responsibility for planning and carrying out a program that meets the children’s needs at their various stages of development and growth.

Family member. For a Military Service member, the member’s spouse or unmarried dependent child, or an unmarried dependent child of the member’s spouse. For an eligible DoD civilian employee or eligible employee of a DoD contractor, the employee’s spouse or same-sex domestic partner, or unmarried dependent child of the employee, employee’s spouse, or the employee’s same-sex domestic partner.

Financial hardship. A severe hardship resulting from, but not limited to: Sudden and unexpected illness or accident of the spouse or the same-sex domestic partner of an eligible DoD Civilian employee; loss of the spouse’s or eligible DoD Civilian’s same-sex domestic partner’s employment or wages; property damage not covered by insurance; extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the patron.

Full-day care. This care meets the needs of parents working outside the home who require child care services 6

hours or more per day on a regular basis, usually at least 4 days per week.

Hourly care. Care provided in a CDP that meets the needs of parents requiring short-term child care services on an intermittent basis. Hourly care includes on-site group care.

Individual with a disability. A handicapped person as defined in 32 CFR part 56, in accordance with 29 U.S.C. 705, also known as "Section 7 of The Rehabilitation Act of 1973," as amended, and consistent with 42 U.S.C. 12102, also known as "The Americans with Disabilities Act, as amended". Synonymous with the phrase "person with a disability."

Identification Action Team. A multidisciplinary team that supports families of children with special needs that consider the needs of the child, the disability, and the environment of group care in child development facilities or home-based care, staffing needs and training requirements, and the resources of the program.

Infant. A child, aged birth through 12 months.

In loco parentis. In the place or position of a parent. An "in loco parentis" relationship is one in which a person takes on the role of a lawful parent by assuming the obligations and discharging the duties of a parent without formally becoming an adoptive parent or legal guardian. The child(ren) must reside with and be supported by the person. A special power of attorney to act "in loco parentis" is required to be on file.

Military approved community based program. Military approved child care available to geographically dispersed eligible families.

Military CDP facility. A facility on a military installation or operated by a DoD Component at which child care services are provided for Military Service members or DoD civilian employees or any other facility at which such child care services are provided that is operated by the Secretary of a Military Department.

Military installation. Defined in 32 CFR 238.3.

Mixed-age group. A group of children that includes children from more than one age group.

Multidisciplinary inspection team. An inspection team led by a representative of the installation commander with authority to verify compliance with standards.

Non-appropriated funds (NAF). Funds derived from CDP fees paid by eligible patrons.

NAF employees. Civilian employees hired by DoD Components and compensated from NAFI funds. Includes temporary employees, 18 years or older.

Off-site group care. An option which provides child care on an occasional rather than a daily basis and allows on-site hourly group care when parents of children in care are attending command functions in the same facility.

On-site group care. A child care program that provides on-site hourly group child care when a parent or guardian of the children in care are attending the same function and are in the same facility.

Operational hardship. A program's inability to operate at full capacity due to documented staffing shortages.

Parent. The biological father or mother of a child; a person who, by order of a court of competent jurisdiction, has been declared the father or mother of a child by adoption; the legal guardian of a child; or a person in whose household a child resides at least 25 percent of the time in any month, provided that such person stands in loco parentis to that child and contributes at least one-half of the child's support.

Parent board. A group established pursuant to 10 U.S.C. 1783 and 1795 comprised of parents who are also Military Service members, retired Military Service members, or spouses of Military Service members or retired Military Service members of children attending DoD CDPs, including FCC. This board shall act in an advisory capacity, providing recommendations for improving services. The board shall meet periodically with staff of the CDP. The board, with the advice of the program staff, shall be responsible for developing and overseeing the implementation of the parent participation program in accordance with 10 U.S.C. 1795.

Parent participation plan. A planned group of activities and projects established by the Parent Board to encourage parents to volunteer in CDPs, including special events and activities (such as field trips, holiday events, and special curriculum programs), small group activities, special projects (such as playground improvement, procurement of equipment, and administrative aid), and parent education programs and training workshops to include child abuse prevention education for parents.

Part-day care. This care meets the needs of parents working outside the home who require child care services on a seasonal or regularly scheduled part-day basis for fewer than 6 hours per day, usually fewer than 4 days per week.

Preschool-age. Children 36 months through 5 years of age.

Pre-toddler. A child 13 months through 24 months of age.

Qualifying children. Children of an eligible patron or their spouse or the same-sex domestic partner of eligible DoD civilian employees.

Resource and referral (R&R). A service that provides information about child care services on and off the installation to meet patrons' child care needs and maximize use of available sources of child care.

Respite child care. Care for children that provides a parent or guardian temporary respite from their role as a primary caregiver.

Same-sex domestic partner. A person in a same-sex domestic partnership with a uniformed service member, civilian employee or employee of a DoD contractor of the same-sex.

Same-sex domestic partnership. A committed relationship between two adults of the same-sex in which the partners:

- (1) Are each other's sole same-sex domestic partner and intend to remain so indefinitely;
- (2) Are not married (legally or by common law) to, joined in civil union with, or in a same-sex domestic partnership with anyone else;
- (3) Are at least 18 years of age and mentally competent to consent to contract;

(4) Share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the state or U.S. jurisdiction in which they reside; and,

(6) Maintain a common residence and intend to continue the arrangement (or would maintain a common residence but for the requirements of military service, an assignment abroad, or other employment-related, financial, or similar obstacle).

School age care (SAC). Either facility-based or home-based care for children ages 6–12, or those attending kindergarten, who require supervision before and after school, or during duty hours, school holidays, or school closures.

School-age children. Children aged 6 years through 12, or attending kindergarten through sixth grade, enrolled in a SAC program.

Screen time. Time spent watching television, playing video games, or on the computer.

Special needs. Children with special needs are children who may need accommodations to make child care accessible or may otherwise require more than routine and basic care; including children with or at risk of disabilities, chronic illnesses and physical, developmental, behavioral, or emotional conditions that require health and related services of a type or amount beyond that required by children in general.

Staff:child ratio. The number of children for whom individual caregiving personnel or FCC providers shall be responsible.

Sudden Infant Death Syndrome (SIDS). The sudden, unexplained death of an infant younger than 1 year old.

Supplemental child care. Child care programs and services that augment and support CDC and FCC programs to increase the availability of child care for military and DoD civilian employees. These may include, but are not limited to, resource and referral services, contract-provided services, short-term, hourly child care at alternative locations, and interagency initiatives.

Support staff. Person(s) responsible for providing services not directly related to direct child care services, such

as, but not limited to, janitorial, food service, clerical, and administrative duties.

Surviving spouse. A spouse of a Service member who dies on active duty, active duty training, inactive duty training, or within 120 days after release from active duty if the death is due to a service-related disability.

Third party administrator (TPA). An independent organization or entity contracted to perform identified services on behalf of the plan administrator. These services may include clerical and administrative functions such as enrollment and claims administration, payment of subsidies to providers and information services.

Toddler. A child between the ages of 24 and 36 months of age.

Total family income (TFI). Includes all earned income including wages, salaries, tips, long-term disability benefits, voluntary salary deferrals, basic allowance for housing Reserve Component/Transit (BAH RC/T) and subsistence allowances and in-kind quarters and subsistence received by a Military Service member, civilian employee, a spouse, or, in the case of an eligible DoD civilian employee, the same-sex domestic partner, and anything else of value, even if not taxable, that was received for providing services. BAH RC/T and subsistence allowances mean the Basic Allowance for Quarters and the Basic Allowance for Subsistence received by military personnel and civilian personnel when provided (with respect to grade and status) and the value of meals and lodging furnished in-kind to military personnel residing on military bases.

Training & curriculum specialist—Personnel whose main responsibility is providing training and oversight to other CDC or SAC employees.

Unmet need. The number of children whose parents cannot work outside the home because child care is not available.

Waiting list. List of children waiting for a CDP space and whose parents have requested space in a CDP and none is available.

§ 79.4 Policy.

In accordance with DoD Instruction 1342.22, and 10 U.S.C. 1783, 1791 through 1800, 2809, and 2812, it is DoD policy to:

(a) Ensure that the CDPs support the mission readiness, family readiness, retention, and morale of the total force during peacetime, overseas contingency operations, periods of force structure change, relocation of military units, base realignment and closure, and other emergency situations (e.g. natural disasters, and epidemics). Although child care supports working parents, it is not an entitlement and parents must pay their share of the cost of child care.

(b) Reduce the stress of families who have the primary responsibility for the health, safety and well-being of their children and help them balance the competing demands of family life and the DoD mission. CDPs provide access and referral to available, affordable, quality programs and services that meet the basic needs of children, from birth through 12 years of age, in a safe, healthy, and nurturing environment.

(c) Conduct an annual internal certification process to ensure that all installation-operated CDPs are operating in accordance with all applicable Federal mandates and statutory requirements.

(d) Provide child care to support the personnel and the mission of DoD. Eligibility is contingent on the status of the sponsor.

(1) Eligible patrons include:

(i) Active duty military personnel

(ii) DoD civilian employees paid from either appropriated funds (APF) or non-appropriated funds (NAF).

(iii) Reserve Component military personnel on active duty or inactive duty training status.

(iv) Combat related wounded warriors.

(v) Surviving spouses of Military members who died from a combat related incident.

(vi) Those acting in loco parentis for the dependent child of an otherwise eligible patron.

(vii) Eligible employees of DoD contractors.

(viii) Others authorized on a space available basis.